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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11

12 UNITED STATES JUSTICE
13 FOUNDATION,

14 Plaintiff,

15 v.

16 SEAN BURNS, in his capacity as a
Veterans Benefits Administration FOIA
Officer; U.S. DEPARTMENT OF
17 VETERANS AFFAIRS; VETERANS
18 BENEFITS ADMINISTRATION,

19 Defendants.
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Case No.: 13-cv-0945-MMA-NLS

ANSWER

21 Defendants answer the numbered paragraphs of Plaintiff's Complaint as follows:

22 1. Answering Paragraph 1 of the Complaint, Defendants state that said paragraph
23 contains jurisdictional allegations which present legal conclusions and questions of
24 law to be determined solely by the Court, to which no answer is required. To the
25 extent an answer is required, said allegations are denied.

26 2. Answering Paragraph 2 of the Complaint, Defendants state that said paragraph
27 contains jurisdictional allegations which present legal conclusions and questions of
28

1 law to be determined solely by the Court, to which no answer is required. To the
2 extent an answer is required, said allegations are denied.

3 3. Answering Paragraph 3 of the Complaint, Defendants respond that they are
4 without knowledge or information sufficient to form a belief as to the truth of the
5 allegations therein contained, and based thereon, deny generally and specifically each,
6 all and every allegation contained therein.

7 4. Answering Paragraph 4 of the Complaint, Defendants admit that the
8 Department of Veterans Affairs is an agency of the United States headquartered at 810
9 Vermont Avenue NW, Washington, D.C., and that the Veterans Benefits
10 Administration is an entity within the Department of Veterans Affairs. Defendant
11 Sean Burns is not an officer with the Department of Veterans Affairs and is not a
12 proper Defendant in this FOIA action.

13 5. Answering Paragraph 5 of the Complaint, Defendants admit only that Plaintiff
14 submitted a Freedom of Information Act request to Defendants. To the extent not
15 expressly admitted, Defendants deny each, all, and every remaining allegation in said
16 Paragraph.

17 6. Answering Paragraph 6 of the Complaint, Defendants deny the allegations
18 therein.

19 7. Answering Paragraph 7 of the Complaint, Defendants deny the allegations
20 therein.

21 8. Answering Paragraph 8 of the Complaint, Defendants deny the allegations
22 therein.

23 9. Answering Paragraph 9 of the Complaint, Defendants reallege Paragraphs 1-8
24 of their answers to Paragraphs 1-8 of Plaintiff's Complaint, and by this reference
25 incorporate them herein as though set forth in full.

26 10. Answering Paragraph 10 of the Complaint, Defendants deny the allegations
27 therein.

28 11. Answering Paragraph 11 of the Complaint, Defendants deny the allegations

1 therein.

2 Answering Plaintiff's Prayer for Relief, Defendants deny that Plaintiff is
3 entitled to any of the relief requested or any other relief.

4 **AFFIRMATIVE DEFENSES**

5 1. The court lacks jurisdiction over the subject matter.

6 2. The action is moot because Defendants have complied with Plaintiff's
7 Freedom of Information Act request.

8 3. The Court lacks jurisdiction over Defendant Sean Burns, who as an
9 individual is not a proper Defendant in this FOIA action.

10 Wherefore, Defendants pray that Plaintiff take nothing by this Complaint, that
11 judgment be rendered in favor of Defendants, for costs of suit included herein, and for
12 all other relief that the Court deems proper.

13 DATED: July 5, 2013

Respectfully submitted,

14 LAURA E. DUFFY
15 United States Attorney
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17 s/ Katherine L. Parker
18 KATHERINE L. PARKER
19 Assistant United States Attorney
20 Attorneys for Defendants
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